



DOA SC DC
1655

Atty Dkt No. 5100-0707
USSN: 09/766,273
PATENT

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12/26/01 Susan LaMont
Date Signature

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

BITTNER et al.

Serial No.: 09/766,273

Art Unit: 1655

Filing Date: January 18, 2001

Examiner: Forman, Betty J.

Title: OLIGONUCLEOTIDE-TAGGED SEMICONDUCTOR
NANOCRYSTALS FOR MICROARRAY AND FLUORESCENCE
IN SITU HYBRIDIZATION

AMENDMENT TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is a Response to Restriction Requirement in the above patent application in response to the Office Action of November 27, 2001.

- ☐ Petition for Extension of Time enclosed.
- ☐ No additional fee is required.
- ☒ Also enclosed: Sequence Listing (paper and disk); Statement Regarding Sequence Listing; postcard

No. of Claims After Amendment			Most Claims Previously Paid		Extra Claims		Additional Fee		
A. Total Claims		-		=		x	\$18	=	\$
B. Ind. Claims		-		=		x	\$84	=	



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C. If amended to contain multiple dependent claims, add 280	\$280	=	\$
D. Total Amendment Fee (Total of A, B & C)		=	
E. If small entity, 50% reduction of Total Amendment Fee (50% of D)		=	
F. Total Amendment Fee (D minus E)		=	\$

___ A check for \$ to cover the extension of time fee and extra claims fee is attached.

___ Charge \$ to Deposit Account No. 18-1648.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 18-1648.

Respectfully submitted,

Date: Dec 24/2001

By: Narinder S. Banait
Narinder S. Banait
Registration No. 43,482
Attorney for Applicants

ROBINS & PASTERNAK LLP
90 Middlefield Road, Suite 200
Menlo Park, CA 94025
Telephone: 650-325-7812
Facsimile: 650-325-7823



Atty Dkt No. 5100-0707
Client No. 0008-US
PATENT

#12
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In Re Application of:

BITTNER et al.

Serial No.: 09/766,273

Group Art Unit: 1655

Filing Date: January 18, 2001

Examiner: Forman, Betty J

Title: OLIGONUCLEOTIDE-TAGGED SEMICONDUCTOR
NANOCRYSTALS FOR MICROARRAY AND FLUORESCENCE IN
SITU HYBRIDIZATION

RESPONSE TO REQUIREMENT FOR RESTRICTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Restriction Requirement dated November 27,
2001. The Examiner therein required election of one of the following groups of claims:

Group I, claims 1-38 and 44, drawn to a method of assaying a sample
(classified in class 435, subclass 6); and

Group II, claims 39-43, drawn to a polynucleotide assay complex and kit
(classified in class 536, subclass 24.3 and class 422, subclass 61).

Applicants hereby elect to prosecute the claims of Group I, claims 1-38 and
44, without traverse.

Applicants expressly reserve their right under 35 U.S.C. §121 to file one or more divisional applications directed to the nonelected subject matter during the pendency of this application.

REQUIREMENT TO COMPLY WITH NUCLEIC ACID SEQUENCE RULES

The Examiner requested that the applicant provide a computer readable form, and a paper copy of the "Sequence Listing", as well as a statement that the paper and computer readable copies are the same. The applicants have complied with the sequence rules in their response to "Missing Parts" mailed on May 29, 2001. For the convenience of the office, the applicants herein provide a copy of the computer readable form and a written copy of the sequence listing and the Statement Regarding Sequence Listings as filed.

Please address all further communications to Roberta L. Robins at
Customer No. 20855.

Respectfully submitted,

Date: Dec 21/2001

By: Narinder Banait

Narinder S. Banait
Registration No. 43,482
Attorney for Applicants

ROBINS & PASTERNAK
90 Middlefield Road, Suite 200
Menlo Park, CA 94025
Telephone: (650) 325-7812
Fax: (650) 325-7823



SEQUENCE LISTING

<110> Quantum Dot Corporation

The Government of the United States of America, as represented by the
Secretary, Department of Health and Human Services

Bittner, Michael

Wong, Edith Y.

Bruchez, Marcel P. Jr.

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NANOCRYSTALS FOR MICROARRAY AND FLUORESCENCE IN SITU
HYBRIDIZATION

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Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):

[X] Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Assistant Commissioner for Patents, Washington D.C. 20231.

Dated: 5/29/01

Name of Person Certifying: David W. Maher

Printed Name: David W. Maher

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Michael BITTNER, et al.

Assignees: Quantum Dot Corporation and THE
GOVERNMENT OF THE UNITED STATES OF
AMERICA, as represented by the Secretary,
Department of Health and Human Services

Filing Date: January 18, 2001

Examiner: Not Yet Assigned

Serial No.: 09/766,273

Group Art Unit: 1645

Title: **OLIGONUCLEOTIDE-TAGGED SEMICONDUCTOR NANOCRYSTALS FOR
MICROARRAY AND FLUORESCENCE IN SITU HYBRIDIZATION**

STATEMENT REGARDING SEQUENCE LISTING UNDER 37 C.F.R. §§ 1.821-1.825

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The Applicants hereby declare that the content of the computer-readable copy of the
Sequence Listing furnished herewith is the same as the written copy of the Sequence Listing.

Date: May 29, 2001

Respectfully submitted,

By: David W. Maher

David W. Maher
Registration No. 40,077

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San Francisco, California 94111
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